NOTIFICATION.

Order No. L.D. 1020–Legis. 43-52-1, Bangalore, dated 11th September 1952.

Ordered that the Mysore Village Panchayets and District Boards (Amendment) Act, 1952, which received the assent of His Highness the Rajpramukh on the 30th day of August 1952, be published as Mysore Act No. XXVIII of 1952, in the *Mysore Gazette* for general information.

MYSORE ACT No. XXVIII OF 1952.

THE MYSORE VILLAGE PANCHAYETS AND DISTRICT BOARDS (AMENDMENT) ACT, 1952.

(Received the assent of His Highness the Rajpramukh on the Thirtieth Day of August 1952.)

An Act to amend the Mysore Village Panchayets and District Boards Act, 1952.

Preamble.

Whereas it is expedient to amend the Mysore Village Panchayets and District Boards Act, 1952 (Mysore Act No. IV of 1952), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore Village Panchayets and District Boards (Amendment) Act, 1952.

(2) It shall come into force at once.

Amendment of section 3 of Mysore Act IV of 1952.

2. In the proviso to sub-section (2) of section 3 of the Mysore Village Panchayets and District Boards Act, 1952 (hereinafter referred to as the principal Act), for the words and figures "with a population of less than 2,000 but more than 1,000", the words and figures "with a population of less than 2,000 or more than 5,000" shall be substituted.

Amendment of section 5 of Mysore Act IV of 1952.

3. In the proviso to sub-section (1) of section 5 of the principal Act, for the words "each village", the words "each inhabited village" shall be substituted.

Substitution of new section for section 38 of Mysore Act IV of 1952.

4. For section 38 of the principal Act, the following section shall be substituted, namely,—

"38. The Government shall assign to all the Panchayets in the State an amount equal to twelve and a half per cent of the net land revenue collected in the State, the amount to be allotted to each Panchayet being such as the Government may from time to time determine. Government to assign part of land revenue to Panchayets.

Explanation.—For determining the net land revenue collected for purposes of assignment to the Panchayets, the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected".

5. After section 105 of the principal Act, the following section shall be inserted, namely— Insertion of new section 105-A in Mysore Act IV of 1952.

"105-A. (1) The Government shall levy a local cess at a rate of one anna in the rupee on all items of land revenue and forest revenue and may, on the request of any District Board, levy the local cess within the jurisdiction of that District Board, at a rate not exceeding two annas in the rupee on all or any of the said items of revenue. Levy of local cess.

(2) The levy and collection of the local cess shall be made in such manner as may be prescribed".

6. In section 106 of the principal Act, Amendment of section 106 of Mysore Act IV of 1952.

(1) in sub-section (1), for the words "the land revenue", the words "the *net* land revenue" shall be substituted;

(2) in sub-section (2) for the words "the land revenue" the words "the *net* land revenue" shall be substituted, and after the sub-section the following explanation shall be inserted, namely—

"*Explanation.*—For determining the net land revenue collected for purposes of assignment to the District Boards under sub-sections (1) and (2), the cost of collection calculated in the prescribed manner and charges on irrigation, collected as water rate or other charge, shall be excluded from the gross amount collected".

(3) for sub-section (3) the following sub-section shall be substituted, namely:—

"(3) The Government shall further make over to every District Board the following amounts, namely—

(*a*) an amount equal to one-seventeenth of the excise revenue collected in the area within the

jurisdiction of the District Board excluding the cost of collection; and

(*b*) an amount equal to the entire local cess collected under section 105A in the area within the jurisdiction of the District Board excluding the cost of collection.

Explanation.—In this sub-section "excise revenue" means the revenue derived from such items as may from time to time be determined by the Government."

(4) sub-section (5) shall be omitted.

Substitution of new section for section 175 of Mysore Act IV of 1952.

7. For section 175 of the principal Act, the following section shall be substituted and shall always be deemed to have been substituted, namely :—

Temporary and transitional provisions.

"175. (1) Notwithstanding anything contained in this Act,—

(*a*) until the Constitution of the District Board in accordance with the provisions of this Act the body functioning as the District Board in that district immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a District Board;

(*b*) casual vacancies in the seats of the members of the District Board functioning under clause (*a*) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling up of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications as the Government may by notification make in such rules;

(*c*) the term of office of the members referred to in clause (*a*) shall subject to the provisions of sections 54 and 60 extend to or expire on (as the case may be) such date as the Government may by notification in the *Mysore Gazette*, appoint and the Government shall cause elections of members to be held so that the newly elected members may

come into office on the date fixed for the retirement of old members.

(2) Notwithstanding anything contained in this Act,—

(*a*) until the constitution of a Village Panchayet in accordance with the provisions of this Act the body functioning as the Village Panchayet in that village immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the provisions of this Act on a Village Panchayet;

(*b*) casual vacancies in the seats of the members of the Village Panchayet functioning under clause (*a*) shall be filled and all matters in connection with the filling up of such vacancies shall be regulated in accordance with the rules governing the filling of such vacancies and regulating such matters in force immediately before the commencement of this Act subject to such modifications as the Government may by notification make in such rules;

(*c*) the term of office of the members referred to in clause (*a*) shall, subject to the provisions of section 11, extend to or expire on (as the case may be) such date as the Government may by notification in the *Mysore Gazette* appoint, and the Government shall cause elections of members to be held so that the newly elected members may come into office on the date fixed for the retirement of old members."

Repeal of Mysore Ordinance II of 1952 and savings.

8. The Mysore Village Panchayets and District Boards (Amendment) Ordinance, 1952, is hereby repealed, but anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by section 8 of this Act as if this Act had come into force on the date the said Ordinance was promulgated.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

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